

2009 DRAFTING REQUEST

Bill

Received: **12/10/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Kim Hixson (608) 266-9650**

By/Representing: **Jim Stoa**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies: **GMM**

Submit via email: **YES**

Requester's email: **Rep.Hixson@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorizing the use of metal detectors on certain lands

Instructions:

Same as 2009 LRB-2682

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | rkite 12/10/2009 | jdyer 12/11/2009 | | _____ | | | |
| /1 | | | rschluet 12/11/2009 | _____ | mbarman 12/11/2009 | mbarman 12/11/2009 | |

FE Sent For:

none

<END>

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| /? | rkite | 12/11/09 | 12/11/09 | | | | |
|----|-------|----------|----------|--|--|--|--|

FE Sent For:

<END>

Kite, Robin

From: Stoa, James
Sent: Thursday, December 10, 2009 4:03 PM
To: Kite, Robin
Subject: FW: Co-Sponsorship of LRB -2682/4 - Recreational Metal Detecting

Attachments: 09-26824.pdf

Hey Robin,

Rep. Hixson is planning to introduce an Assembly companion to this legislation. Could you please draft a companion when you get the opportunity?

Thanks for the help!

Jim Stoa
Office of State Rep. Kim Hixson
(608) 266-9650

From: Sen.Kreitlow
Sent: Friday, November 20, 2009 11:56 AM
To: *Legislative Assembly - Independents; *Legislative Assembly Democrats; *Legislative Assembly Republicans; *Legislative Senate - Independents; *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: Co-Sponsorship of LRB -2682/4 - Recreational Metal Detecting

DATE: November 20, 2009

TO: All Legislators

FROM: Senator Kreitlow and Representative Hixson

RE: Recreational Metal Detecting Bill LRB-2682/4

This bill is being introduced at the request of several constituents in our districts in response to action the DNR took last year to ban recreational metal detecting on DNR managed land. Prior to the change metal detector hobbyists could obtain a permit and could metal detect on all un-turfed areas on DNR property. There were no documented permit violations or documented incidents of metal detectors violating the field archeology statute.

LRB 2682/4 will allow for recreational metal detecting while still protecting areas of historical or archeological significance. The bill also prohibits the use of metal detectors at campsites and allows the DNR to prohibit metal detecting on public hunting land during gun hunting season.

Most detectors look for coins and lost jewelry and all those that have contacted us can relay wonderful stories about items that they were able to return to the original owners such as class rings and wedding bands that the owners sadly thought were lost forever. Metal detectors also have removed a tremendous amount of trash from our beaches and waterways benefiting our natural resources and public safety. There are several well organized metal detector clubs/groups around the state and they stress the importance of being responsible and returning areas of retrieval to their original or better condition than how they found it. They are very conscientious about

plants and other sensitive areas and are considerate about making sure they do not disturb others who are also enjoying the outdoors.

The DNR's sudden ban on metal detecting does not follow the state's long heritage of public input for policy changes as well as keeping our state's recreational areas open to the many diverse activities that people do to enjoy our great outdoors.

I ask you to join me as a co-sponsor of this important legislation. Please contact Jeff in Senator Kreitlow's office (6-7511) for more information or to sign onto the bill.

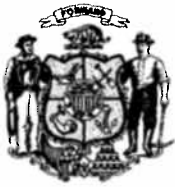
Deadline for co-sponsors is December 4th.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Natural Resources (DNR) from preventing a person from using a metal detector in areas of lakes that are less than six feet deep (shallow water), on most land under DNR's jurisdiction, and on land acquired with funding from the Warren Knowles–Gaylord Nelson Stewardship 2000 Program or its predecessor program and that is open to public access. It also prohibits DNR from requiring a person who uses a metal detector on that land or in shallow water to hold a license, permit, or other approval authorizing the use of a metal detector on the land or in the shallow water. The bill provides an exception to these prohibitions so that the prohibitions do not apply to land that is historically significant or to state campgrounds. The bill defines historically significant land to include land that the State Historical Society determines is historic property, land that is included on a map of archaeological resources prepared by the State Historical Society, and land that is listed on the state register of historic places. The bill also allows DNR to prohibit the use of metal detectors on land when that land is open to deer hunting. This bill also authorizes a person who is allowed to use a metal detector under the bill to use a tool to dig for and remove found items. The bill provides that a tool used for digging may not be more than eight inches wide, any soil that is disturbed or removed by digging must be replaced, and the digging may not occur on a lake bed unless the lake bed is beneath shallow water.



09-26824.pdf (25
KB)



State of Wisconsin
2009 - 2010 LEGISLATURE

Rm not ru

3984/1

LRB-2682/4

RNK:jld:ph

↑
stays

2009 BILL

In 12/10

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Gen

- 1 AN ACT *to amend* 44.47 (2); and *to create* 23.21 of the statutes; **relating to:** the
- 2 use of metal detectors on certain land and in lakes and the removal of items
- 3 found on that land or in those lakes. ✓

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Natural Resources (DNR) from preventing a person from using a metal detector in areas of lakes that are less than six feet deep (shallow water), on most land under DNR's jurisdiction, and on land acquired with funding from the Warren Knowles-Gaylord Nelson Stewardship 2000 Program or its predecessor program and that is open to public access. It also prohibits DNR from requiring a person who uses a metal detector on that land or in shallow water to hold a license, permit, or other approval authorizing the use of a metal detector on the land or in the shallow water. The bill provides an exception to these prohibitions so that the prohibitions do not apply to land that is historically significant or to state campgrounds. The bill defines historically significant land to include land that the State Historical Society determines is historic property, land that is included on a map of archaeological resources prepared by the State Historical Society, and land that is listed on the state register of historic places. The bill also allows DNR to prohibit the use of metal detectors on land when that land is open to deer hunting.

This bill also authorizes a person who is allowed to use a metal detector under the bill to use a tool to dig for and remove found items. The bill provides that a tool used for digging may not be more than eight inches wide, any soil that is disturbed

BILL

or removed by digging must be replaced, and the digging may not occur on a lake bed unless the lake bed is beneath shallow water.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.21 of the statutes is created to read:

2 **23.21 Use of metal detectors. (1)** In this section:

3 (a) “Department land” means an area of land that is owned by the state, that
4 is under the jurisdiction of the department, and that is used for one of the purposes
5 specified in s. 23.09 (2) (d).

6 (b) “Historically significant land” means land to which any of the following
7 applies:

8 1. Land that has been surveyed by the state historical society under s. 44.34
9 and that has been determined by the state historical society to be a historic property.

10 2. Land that is scheduled to be surveyed by the state historical society under
11 s. 44.34.

12 3. Land that is included on a map of archaeological resources under s. 44.48.

13 4. Land that is listed on the state register of historic places under s. 44.36.

14 (c) “Historic property” has the meaning given in s. 44.31 (3).

15 (d) “Land” means land in fee simple, conservation easements, other easements
16 in land, and development rights in land.

17 (e) “Land open for searching” means department land and stewardship land
18 but does not include state campgrounds or historically significant land.

19 (f) “Shallow water” means that part of a lake that is no deeper than 6 feet.

20 (g) “Stewardship land” means land that is acquired in whole or in part with
21 funding from one or both stewardship programs and that is open to public access.

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1 (h) "Stewardship program" means the stewardship program under s. 23.0915
2 or 23.0917.

3 (2) Except as provided in sub. (3), the department may not do any of the
4 following:

5 (a) Prohibit a person from using a metal detector in shallow water or on land
6 open for searching.

7 (b) Require a person who uses a metal detector in shallow water or on land open
8 for searching to hold a permit, license, or other approval authorizing the use of a
9 metal detector on that land.

10 (c) Prohibit a person who is using a metal detector in shallow water or who is
11 using a metal detector on land open for searching from digging to remove and retrieve
12 found items if all of the following apply:

13 1. If the person digs with a tool, the tool is no more than 8 inches wide.

14 2. If the person digs on land open for searching, the person replaces vegetation
15 and soil disturbed or removed by digging.

16 3. If the person digs on the bed of a lake, the bed of the lake is beneath shallow
17 water.

18 (3) The department may prohibit a person from using a metal detector on land
19 open for searching when the land is open to hunting deer with firearms.

20 **SECTION 2.** 44.47 (2) of the statutes is amended to read:

21 **44.47 (2) UNLICENSED FIELD ARCHAEOLOGY PROHIBITED.** No person other than the
22 state archaeologist and individuals licensed by the director may engage in any field
23 archaeology on any state site or site owned by a political subdivision. This subsection

BILL

SECTION 2

1 does not apply to a person who retrieves and removes found items as authorized

2 under s. 23.21.

3 (END)

Barmán, Mike

From: Rep.Hixson
Sent: Friday, December 11, 2009 9:32 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3984/1 Topic: Authorizing the use of metal detectors on certain lands

Please Jacket LRB 09-3984/1 for the ASSEMBLY.